

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

PATENT
Attorney Docket No.: 022176-000610US
Client Ref. No.: ISM-006CNT

On May 23, 2006

TOWNSEND and TOWNSEND and CREW LLP

By: 

Shemekia N. Brown

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ADNAN SHENNIB et al.

Application No.: 10/052,199

Filed: January 16, 2002

For: DISPOSABLE EXTENDED WEAR
CANAL HEARING DEVICE

Customer No.: 20350

Confirmation No.: 9072

Examiner: DIONNE PENDLETON

Technology Center/Art Unit: 2643

PETITION TO WITHDRAW HOLDING
OF ABANDONMENT UNDER 37 CFR
1.137

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants are in receipt of the Notice of Abandonment mailed April 18, 2006, indicating the above-identified application has been abandoned for failure to pay issue fee and publication fee. As is explained below, Applicants submit that the holding of abandonment was improper because and respectfully request withdrawal of the holding of abandonment.

The timeline of relevant events in the case is as follows. Applicants prior representative had received a notice of allowance on 1/13/2004. On 4/12/2004 Applicants had current representative filed an RCE on 4/12/04 (in order to file an IDS) and paid the fee for an RCE and that under 37 CFR 1.17i for suspension of action. Applicants filed an IDS on 5/11/04. Applicants then received a Supplemental Notice of Allowability on October 17, 2005 but did not

receive any paperwork related to a Notice of Allowability and Fee(s) due. Also there was no indication on PAIR of an issue fee deadline associated with the 10/17/05 Notice. Thus, the holding of abandonment was improper because a Notice of Fee(s) Due was not issued in connection with the 10/17/05 Supplemental Notice of Allowability and the 4/12/04 RCE should have negated the requirement for responding to the issue fee payment deadline from the 1/13/2004. Because Applicants were not responsible for this holding of abandonment, Applicants respectfully submit that no fee should be do with this petition. Applicants were also informed of such by Examiner Pendleton.

In support of Applicants petition enclosed herewith are the following:

1. A copy of the RCE filed on April 12, 2004.
2. A copy of the Information Disclosure Statement that was filed May 11, 2004 with thirty-five (35) references cited.
3. A copy of the Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address was filed on September 13, 2004.
4. A copy of the Notice of Acceptance of the Power of Attorney that was mailed out September 22, 2005.
5. A copy of the Supplemental Notice of Allowability mailed out October 17, 2005.
6. A copy of the Notice of Abandonment mailed out April 18, 2006.

In view of the foregoing, Applicants respectfully request withdrawal of the holding of abandonment. If a telephone conference would expedite the granting of this petition, please telephone the undersigned at 415-576-0200. It is believed that no fees are due with this petition; however, should any fees be required under 37 C.F.R. § 1.16 to 1.21 and 1.137 or other

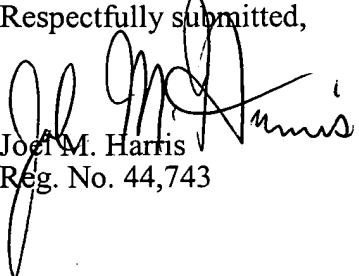
PATENT

Attorney Docket No.: 022176-000610US

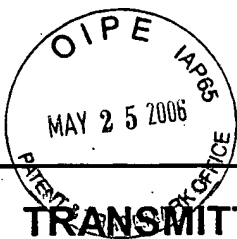
Client Ref. No.: ISM-006CNT

relevant portion of 37 CFR for any reason, the Commissioner is authorized to charge Deposit Account No 20-1430.

Respectfully submitted,


Joel M. Harris
Reg. No. 44,743

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
JMH:snb
60765749 v1



TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/052,199
		Filing Date	January 16, 2002
		First Named Inventor	SHENNIB, ADNAN
		Art Unit	2643
		Examiner Name	DIONNE HARVEY
Total Number of Pages in This Submission	6	Attorney Docket Number	022176-000610US / ISM-006CNT

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Preliminary Remarks Request for Continued Examination (RCE) Transmittal Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Townsend and Townsend and Crew LLP James M. Heslin Reg. No. 29,541
Signature	
Date	April 12, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	JoAnn Evangelista		
Signature		Date	April 12, 2004

MAY 25 2006

PTO/SB/17 (10-03)

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$515

Complete if Known

Application Number	10/052,199
Filing Date	January 16, 2002
First Named Inventor	ADNAN SHENNIB
Examiner Name	DIONNE HARVEY
Art Unit	2643
Attorney Docket No.	022176-000610US / ISM-006CNT

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims	Fee from below	Fee Paid
Total Claims	<input type="text"/>	..** =	<input type="text"/>	<input type="text"/>	<input type="text"/>
Independent Claims	<input type="text"/>	..** =	<input type="text"/>	<input type="text"/>	<input type="text"/>
Multiple Dependent				<input type="text"/>	<input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	385
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

37 CFR 1.17(i) Suspension of Action w/RCE

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$515)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

James M. Heslip

Registration No. (Attorney/Agent)

29,541

Telephone

650-326-2400

Signature

Date

April 12, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Request for Continued Examination
FILING ACKNOWLEDGMENT

Mailing Date:	April 12, 2004	Serial No.:	10/052,199
File No.:	022176-000610US / ISM-0006CNT	Attorney:	JMH/jke
Applicant:	ADNAN SHENNIB et al.		
Title:	DISPOSABLE EXTENDED WEAR CANAL HEARING DEVICE		

Please stamp the date of receipt of the enclosed documents and return this card to addressee

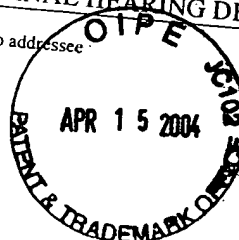
- ✓ 1 pg. Transmittal
- ✓ 2 pgs. Fee Transmittal (duplicate)
- ✓ 1 pg. Preliminary Remarks\
- ✓ 1 pg. Request for Continued Examination (RCE)Transmittal
- ✓ 1 pg Return Postcard
- 6 pages

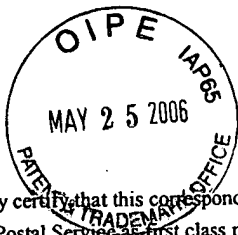
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Request for Continued Examination
FILING ACKNOWLEDGMENT

Mailing Date:	April 12, 2004	Serial No.:	10/052,199
File No.:	022176-000610US / ISM-0006CNT	Attorney:	JMH/jke
Applicant:	ADNAN SHENNIB et al.		
Title:	DISPOSABLE EXTENDED WEAR CANAL HEARING DEVICE		

Please stamp the date of receipt of the enclosed documents and return this card to addressee

- ✓ 1 pg. Transmittal
- ✓ 2 pgs. Fee Transmittal (duplicate)
- ✓ 1 pg. Preliminary Remarks\
- ✓ 1 pg. Request for Continued Examination (RCE)Transmittal
- ✓ 1 pg Return Postcard
- 6 pages





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MAIL STOP: RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450 On April 12, 2004

TOWNSEND and TOWNSEND and CREW LLP

By:

JoAnn Evangelista

PATENT

Attorney Docket No.: 022176-000610US

Client Ref. No.: ISM-006CNT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ADNAN SHENNIB et al.

Application No.: 10/052,199

Filed: January 16, 2002

For: DISPOSABLE EXTENDED
WEAR CANAL HEARING
DEVICE

Customer No.: 20350

Confirmation No. 9072

Examiner: DIONNE HARVEY

Technology Center/Art Unit: 2643

PRELIMINARY REMARKS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have filed a Request for Continued Examination (RCE) in order to (1) submit formal substitute drawings, and (2) to file an Information Disclosure Statement. Both of these items will be submitted within 60 days of this RCE filing, and Applicants request that no action on this case be taken until the new papers have been received.

The undersigned is Applicant's new counsel and will be submitting a substitute

Power of Attorney shortly.

Respectfully submitted,

James M. Heslin
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400 / Fax: 415-576-0300
Attachments: RCE
JMH:jke / 60192021 v1



PTO/SB/30 (09-03)

Request
For
Continued Examination (RCE)
Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/052,199
Filing Date	January 16, 2002
First Named Inventor	ADNAN SHENNIB
Art Unit	2643
Examiner Name	DIONNE HARVEY
Attorney Docket Number	022176-000610US/ISM-006CNT

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other PRELIMINARY REMARKS
2. Miscellaneous
- a. ☒ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of 2 months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 20-1430
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other 37 CFR 1.17(l) fee
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization of PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	James M. Heslin	Registration No. (Attorney/Agent)	29,541
Signature		Date	April 12, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print /Type)	JoAnn Evangelista	Date	April 12, 2004
Signature			

60192027 v1



TO THE U.S. PATENT AND TRADEMARK OFFICE
Please stamp the date of receipt of the following document(s) and return
this card to us:

RE: SHENNIB

TITLE OF DOCUMENT(S):

Transmittal Form
Information Disclosure Statement
Fee Authorization (see Page 2)
PTO/SB/08A & PTO/SB/08B
35 Reference Copies



Application No 10/052,199

File No 022176-000610US

Date due _____

Date Mailed 05/11/04

Atty/Secty. JMH/jke

60213565 v1

TO THE U.S. PATENT AND TRADEMARK OFFICE
Please stamp the date of receipt of the following document(s) and return
this card to us:

RE: SHENNIB

TITLE OF DOCUMENT(S):

Transmittal Form
Information Disclosure Statement
Fee Authorization (see Page 2)
PTO/SB/08A & PTO/SB/08B
35 Reference Copies

Application No 10/052,199

File No 022176-000610US

Date due _____

Date Mailed 05/11/04

Atty/Secty. JMH/jke

60213565 v1



PTO/SB/21 (08-03)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/052,199
		Filing Date	January 16, 2002
		First Named Inventor	SHENNIB, ADNAN
		Art Unit	2643
		Examiner Name	DIONNE HARVEY
Total Number of Pages in This Submission		Attorney Docket Number	022176-000610US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard PTO/SB/08A and /08B Form 35 Reference Copies
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
COPY		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Townsend and Townsend and Crew LLP James M. Heslin Reg. No. 29,541
Signature	
Date	5/10/04

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Edward Masinas		
Signature		Date	5-11-04

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PATENT
Attorney Docket No.: 022176-000610US
Client Reference No.: ISM-006CNT



On

5-11-04

TOWNSEND and TOWNSEND and CREW LLP

By:

Edward Masinas

Edward Masinas

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

ADNAN SHENNIB et al.

Application No.: 10/052,199

Filed: January 16, 2002

For: DISPOSABLE EXTENDED WEAR
CANAL HEARING DEVICE

Examiner: DIONNE HARVEY

Art Unit: 2643

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed.

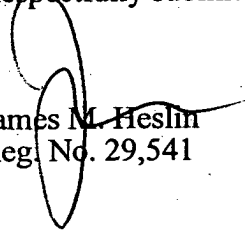
It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

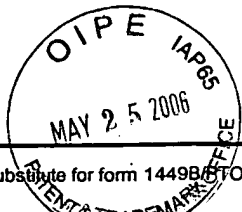
This Information Disclosure Statement is being filed before the mailing date of the final Office Action or Notice of Allowance.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,


James M. Heslin
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422
JMH:bjl



INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/052,199
				Filing Date	January 16, 2002
				First Named Inventor	SHENNIB, ADNAN
				Art Unit	2643
				Examiner Name	DIONNE HARVEY
Sheet	2	of	2	Attorney Docket Number	022176-000610US

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ²
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)				
								<input type="checkbox"/>

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	BH	Chasin, Marshall, <i>CIC Handbook</i> , Singular Publishing Group, Inc., (1997) pp. 12-14, 17-18, 27-28, 44, 56-58, 65-66.	
	BI	Oliveira, Robert J., Navarro, Richard, "The Wax Problem: Two New Approaches," <i>The Hearing Journal</i> (August 1993) Vol. 46, No. 8, pp. 41-46.	

60208894 v1

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

¹ EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

² Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

60208894 v1

TOWNSEND
and
TOWNSEND
and
CREW
LLP



San Francisco, California
Tel 415 576-0200

Walnut Creek, California
Tel 925 472-5000

San Diego, California
Tel 858 350-6100

Denver, Colorado
Tel 303 571-4000

Seattle, Washington
Tel 206 467-9600

Palo Alto

379 Lytton Avenue
Palo Alto
California 94301-1431
Tel 650-326-2400
Fax 650-326-2422

FACSIMILE COVER SHEET

Date: September 13, 2004	Client & Matter Number: 022176-000610US	No. Pages (including this one): 4
To: Dionne Harvey USPTO	At Fax Number: (703) 872-9306	Confirmation Phone Number:
From: Joel M. Harris		(5129)

Message: Attached are the Transmittal Form, Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address, and Statement Under 37 CFR 3.73(b) for U.S. Patent Application Serial No. 10/052,199 filed 1/16/02.

60307682 v1

Original Will:	<input type="checkbox"/> BE SENT BY MAIL	<input type="checkbox"/> BE SENT BY FEDEX/OVERNIGHT COURIER	<input type="checkbox"/> BE SENT BY MESSENGER	<input checked="" type="checkbox"/> NOT BE SENT
----------------	------------------------------------------	-------------------------------------------------------------	-----------------------------------------------	-------------------------------------------------

Faxed: Return to: Marcia Shea - (5451)

If you have problems with reception please call Fax Services at extension 5565

Important

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and/or exempt from disclosure by applicable law or court order. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is **strictly prohibited**. If you have received this communication in error, please notify us immediately by telephone and return the original message to us at the above address via the United States Postal Service. Thank you.

60307682 v1



PTO/SB/21 (04-04)

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/052,199
Filing Date	January 16, 2002
First Named Inventor	SHENNIB, ADNAN
Art Unit	2643
Examiner Name	DIONNE HARVEY
Attorney Docket Number	022176-000610US

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

- | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement
<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Statement Under 37 CFR 3.73(b) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Townsend and Townsend and Crew LLP Joel M. Harris	Reg. No. 44,743
Signature		
Date	9/10/04	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 872-9306 on

9/13/04

Typed or printed name Marcia D. Shea

Signature

Date

9/13/04



PTO/SB/82 (09-03)

**REVOCATION OF POWER OF
ATTORNEY WITH
NEW POWER OF ATTORNEY
AND
CHANGE OF CORRESPONDENCE ADDRESS**

Application Number	10/052,199
Filing Date	01/16/2002
First Named Inventor	Adnan Shennib et al.
Art Unit	2643
Examiner Name	Harvey Dionne
Attorney Docket Number	022176-000610US

I hereby revoke all previous powers of attorney given in the above-identified application:

☐ A Power of Attorney is submitted herewith.

OR

☒ I hereby appoint the practitioners associated with the Customer Number:

20350

☒ Please change the correspondence address for the above-identified application to:

☒ The address associated with
Customer Number:

20350

OR

☐ Firm or
Individual Name

Address

Address

City

State

ZIP

Country

Telephone

Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name Susan Whichard, Vice President, InSound Medical, Inc.

Signature

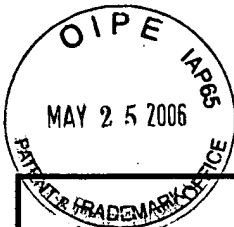
Date

Telephone

510-792-4000

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

Attorney Docket No. 022176-000610US
Client Ref. No. ISM-006CNT**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Insonus Medical, Inc., (now InSound Medical, Inc.—see attached merger document 01/08/2002)Application No./Patent No.: 10/052,199 (CON of 09/327,717)Filed/Issue Date: 01/16/2002Entitled: Disposable Extended Wear Canal Hearing DeviceInSound Medical, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reels 010037 and 010037, Frames 0581 and 0590, respectively, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

9-7-04

Date

510-792-4000

Telephone number

Susan Whichard

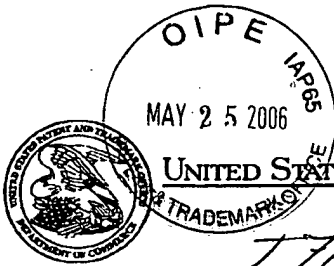
Typed or printed name

Susan Whichard

Signature

CEO, InSound Medical, Inc.

Title



UNITED STATES PATENT AND TRADEMARK OFFICE

022176-000610US
 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/052,199	01/16/2002	Adnan Shennib	022176-000610US

20350
 TOWNSEND AND TOWNSEND AND CREW, LLP
 TWO EMBARCADERO CENTER
 EIGHTH FLOOR
 SAN FRANCISCO, CA 94111-3834

CONFIRMATION NO. 9072



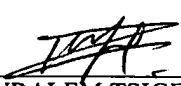
OC000000017084982

Date Mailed: 09/22/2005

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/13/2005.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.


 WUBALEM TSIGE
 PTOSS (703) 305-3006

ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/052,199	01/16/2002	Adnan Shennib	ISM/006CNT

Donald R. Greene
P.O. Box 12995
Scottsdale, AZ 85267-2995

CONFIRMATION NO. 9072



OC000000017084935


Date Mailed: 09/22/2005

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/13/2005.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).




WUBALEM TSIGE
PTOSS (703) 305-3006

NEW ATTORNEY/AGENT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

022176-000610US

UNITED STATES DEPARTMENT OF COMMERCE
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774, PA

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,199	01/16/2002	Adnan Shennib	022176-000610US	9072
20350	7590	10/17/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			HARVEY, DIONNE	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

0726

	Application No.	Applicant(s)	
	10/052,199	SHENNIB ET AL.	
	Examiner	Art Unit	
	Dionne N. Harvey	2646	

Notice of Allowability

The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to IDS filed 5/11/2004.
2. ☒ The allowed claim(s) is/are 1,3,5-12,14,15,17-19,21,22,24,29-35 and 38.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

SINH TRAN
SUPERVISORY PATENT EXAMINER



UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 25 2006

022176-000610US
JTH PA

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,199	01/16/2002	Adnan Shennib	022176-000610US	9072

20350 7590 04/18/2006

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

PENDLETON, DIONNE

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 04/18/2006

NOT ABANDONED Check Abandoned Status:
IN DOCKET 06/18/06

Please find below and/or attached an Office communication concerning this application or proceeding.

Mac



Notice of Abandonment

Application No.

10/052,199

Examiner

PENDLETON

Applicant(s)

Shennib

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply; or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

slk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.